

REMARKS

The Examiner is thanked for her Office Action.

Claims 1-24 are pending, and were rejected in the July 10, 2007 Office Action.

Formal drawings are being filed herewith.

Reconsideration of the claims is respectfully requested.

In Sections 1 and 2 of the July 10, 2007 Office Action, the Examiner rejected Claims 1-24 under 35 U.S.C. §102(e) as being anticipated by U. S. Patent Application Publication No. 2003/0202511 A1 to *Sreejith, et al*, (hereafter, simply "Sreejith").

Each of the independent claims describes a specific technique for load balancing that is not taught or suggested by Sreejith. Each independent claim describes how successive packets are assigned to switch fabrics to achieve the balancing.

Independent claim 1 requires that data packets are forwarded by alternating between said first and second switch fabrics for each sequential data packet directed to said second IOP module.

Independent claim 7 requires that data packets are forwarded by alternating between said first and second switch fabrics for each sequential data packet directed to said second IOP module.

Independent claim 13 requires that data packets are forwarded by transmitting data packets in the first group alternately through the first and second switch fabrics.

Independent claim 19 requires that data packets are forwarded by transmitting sequential data packets directed to said second IOP module in a round-robin manner through said plurality of switch fabrics.

Sreejith teaches a load balancing controller that allocates uplink paths to the switching fabric for each packet flow. The load balancing controller periodically re-evaluates uplink paths based on measured traffic and reassigns the uplink paths to perform optimal load balancing. Nothing in Sreejith, however, teaches or suggests that each successive packet should be assigned to a different switch packet either in a round-robin fashion or by alternating between two switch fabrics, as required by respective independent claims.

As this is the case, Sreejith cannot anticipate any of the present claims, and all anticipation rejections are traversed.

Applicant also respectfully notes that Sreejith is commonly owned, and shares common inventors with, the instant application (and was at the time the invention was made). Because Sreejith is only available as prior art under 35 USC 102(e), by the terms of 35 USC 103(c)(1), As such, Sreejith is unavailable as prior art for any obviousness rejection of this application.

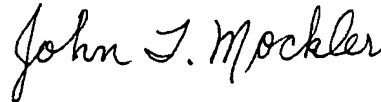
SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of the pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@munckbutrus.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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Date: October 10, 2007

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Jack C. Wybenga, et al.
Serial No. : 10/655,149
Filed : September 4, 2003
For : APPARATUS AND METHOD FOR MAINTAINING
PACKET SEQUENCING IN A PARALLEL ROUTER
Group No. : 2616
Examiner : Wanda Z. Russell

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

LETTER TO OFFICIAL DRAFTSMAN

Transmitted herewith are three (3) sheets of formal replacement drawings to be substituted for the informal drawings initially filed in the above-identified application for patent.

Respectfully submitted,

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Date: October 10, 2007

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